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HUMAN RIGHTS COMMITTEE
Sixty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Concluding Observations of the Human Rights Committee

Romania

1. The Committee considered the fourth periodic report of Romania (CCPR/C/95/Add.7) at its 1766th, 1767th and 1768th meetings (CCPR/C/SR.1766-1768), on 20 and 21 July 1999, and adopted the following concluding observations at its 1777th meeting (CCPR/C/SR.1777) held on 27 July 1999.

A. Introduction

2. The Committee welcomes the State party's efforts to respond in a comprehensive manner to the issues raised by the Committee on the basis of its fourth periodic report (CCPR/C/95/Add.7). It also appreciates the presence of a substantial delegation from Bucharest, and the detailed information provided in response to questions by members of the Committee.

B. Positive aspects

3. The Committee commends the State party for progress made in bringing the Romanian legal order into harmony with its obligations under the Covenant, and for the establishment of institutions which contribute to the promotion and protection of human rights, e.g. the People's Advocate (Ombudsman) and the Department for the Protection of National Minorities. It especially welcomes the establishment, within that Department, of a National Office for Roma, to initiate, support and coordinate actions to improve respect for the rights of the Roma.

4. The Committee notes with satisfaction changes that have been made to improve the administration of justice and to strengthen the independence of the judiciary, in particular the irremovability of judges. The Committee also notes that during recent years the Romanian courts have made frequent reference to international legal provisions, in particular those of the Covenant.

C. Principal subjects of concern and recommendations

5. A matter of grave concern to the Committee is the situation of street children and abandoned children, an exceedingly serious problem which remains unresolved in Romania (art. 24).

The State party should take all necessary measures to comply with article 24 of the Covenant, by protecting and rehabilitating these children, by guaranteeing them a name, and by ensuring that all births are duly registered in Romania.

6. The Committee expresses its concern about continuing discrimination against the Roma (arts. 26 and 27).

The State party should pursue further measures, both legislatively and in practice, to ensure the rights of the Roma, in the public and private sector, particularly with respect to access to education and support for the Roma language.

7. While the Committee appreciates steps taken by the State party to promote gender equality, it remains concerned about discrimination against women, particularly the lack of women in decision-making positions and in politics (arts. 3 and 26).

The State party should take prompt action in order to combat discrimination against women, and, in particular, to ensure greater representation of women in politics and government, and more senior positions in the public and private sectors.

8. The Committee also expresses its serious concern about domestic violence against women, a problem which cannot be resolved exclusively by penal sanctions (arts. 3, 7 and 9).

The State party should take appropriate action, in legislation and in practice, to provide women with access to protective measures before the courts, in order to prevent renewed violence by potential aggressors.

9. The Committee is concerned at the lack of a clear legal framework, defining and limiting the role of the security forces and providing for effective civilian control over them.

The State party should promptly provide for such limitations and control by legislation and appropriate regulations.

10. The Committee is deeply concerned about threats to the independence of the judiciary through interference by the executive, and the powers exercised by the Ministry of Justice in regard to judicial matters, including the appeal process, and its powers of inspection of the courts (art. 14).

The Committee urges the State party to establish a clear demarcation between the competence of the executive and judicial bodies.

11. The Committee is concerned at the extent of pre-trial detention; the broad prerogatives of the Public Ministry to allow the withdrawal of procedural safeguards in situations of deprivation of liberty; and the possibility of extending the 30-day period of detention without suitable limits or judicial control (art. 9).

12. The Committee is disturbed at continued incidents involving the use of firearms by the police, especially in cases of petty offences committed by minors (arts. 6, 7 and 9).

The use of firearms by the police should be closely regulated in order to prevent violations of the right to life and personal security.

13. The Committee is also concerned at the lack of legislation invalidating statements of accused persons obtained in violation of article 7 of the Covenant.

The State party should adopt appropriate legislation that places the burden on the State to prove that statements made by accused persons in a criminal case have been given of their own free will, and that statements obtained in violation of article 7 of the Covenant are excluded from the evidence.

14. The Committee is concerned about the conditions in prisons, including continued overcrowding (art. 10).

The State party should take measures to improve conditions in prisons, particularly overcrowding, within the shortest practicable time-frame.

15. The Committee is concerned that freedom of expression and of the press are unduly limited by article 31 (4) of the Romanian Constitution and by the application of the law on defamation (art. 19).

Article 238 of the Penal Code should be abrogated, and articles 205 and 206 appropriately modified. Article 31 (4) of the Constitution should be interpreted in the light of article 19 of the Covenant.

16. The Committee is concerned about restrictions on the right to privacy, in particular in regard to homosexual relations between consenting adults, which are penalized by article 200, paragraph 1, of the Penal Code (art. 17).

The State party should take timely action to ensure that this provision is amended so as to conform with the Covenant.

17. The Committee is concerned that the State party has not provided for the right to conscientious objection without discrimination (arts. 18 and 26).

The State party should amend its legislation to provide for conscientious objection, in a manner that is consistent with articles 18 and 26 of the Covenant.

D. Dissemination of information about the Covenant (art. 2)

18. The Committee sets the date for the submission of Romania's fifth periodic report as ... It urges the State party to make available to the public the text of the State party's fourth periodic report and these concluding observations. It requests that the next periodic report be widely disseminated among the public, including non-governmental organizations operating in Romania.